

**2006 Tax on Accumulation Distribution of Trusts****5870A****Attach to beneficiary's tax return.**

Name(s) as shown on your return

SSN or ITIN

Name of trust

FEIN

Address of trust (number and street, including suite, PO Box, rural route or PMB no., City, State, and ZIP Code)

Beneficiary's date of birth

Month	Day	Year
-------	-----	------

Enter number of trusts from which you received accumulation distributions in this tax year. . . . .

**Part I Tax on Accumulation Distribution under Internal Revenue Code Section 667.****Section A — Average Income and Determination of Computation Years**

1	Amount of current distribution that is considered distributed in earlier years from Schedule J (541), line 30, column (a)	1		
2	Distributions of income accumulated before you were born or reached age 21	2		
3	Subtract line 2 from line 1	3		
4	Taxes imposed on the trust on amounts from line 3 from Schedule J (541), line 30, column (b)	4		
5	Total. Add line 3 and line 4	5		
6	Tax-exempt interest included on line 5 from Schedule J (541), line 30, column (c)	6		
7	Taxable part of line 5. Subtract line 6 from line 5	7		
8	Number of trust's earlier years in which amounts on line 7 are considered distributed	8		
9	Average annual amount considered distributed. Divide line 3 by line 8	9		
10	Multiply line 9 by 25% (.25)	10		
11	Number of trust's earlier tax years to be taken into account. See instructions	11		
12	Average amount for recomputing tax. Divide line 7 by line 11. Enter here and in each column on line 15 below.	12		
13	Enter your taxable income before this distribution for the five immediately preceding years:			

	2005	2004	2003	2002	2001
13					

**Section B — Tax Attributable to the Accumulation Distribution**

	(a) Year _____	(b) Year _____	(c) Year _____
14	Enter the amounts and the years from line 13, eliminating the highest and lowest taxable income years.		
15	Enter amount from line 12 in each column		
16	Recomputed taxable income. Add line 14 and line 15		
17	Tax on amounts on line 16		
18	Tax before credits on line 14 income		
19	Additional tax before credits. Subtract line 18 from line 17		
20	Tax credit adjustment. Attach schedule		
21	See instructions		
22	Alternative minimum tax adjustments		
23	Combine line 21 and line 22		
24	Add column (a), column (b), and column (c) of line 23	24	
25	Divide the amount on line 24 by 3	25	
26	Multiply the amount on line 25 by the number of years on line 11	26	
27	Enter the amount from line 4	27	
28	Partial tax attributable to the accumulation distribution. Subtract line 27 from line 26. If zero or less, enter -0-. See instructions	28	

**Part II Tax on Distributions of previously untaxed trust income under Revenue and Taxation Code Section 17745 (b) and (d):**

- If the income was accumulated over a period of five years or more, complete Section A.
- If the income was accumulated over a period of less than 5 years, complete Section B.

**Section A — See instructions.**

- 1 Income accumulated over five years or more. . . . . **1** \_\_\_\_\_
- 2 Divide line 1 by 6. Enter here and on Schedule CA (540 or 540NR), line 21f, column C . . . . . **2** \_\_\_\_\_

	(a) 2005	(b) 2004	(c) 2003	(d) 2002	(e) 2001
<b>3</b> Were you a resident or part-year resident? Enter "Yes" or "No" for each year (Answer "No" for nonresident years.)					
<b>4</b> Enter your taxable income before this distribution for the five immediately preceding years . . . . .					
<b>5</b> Enter the amount from line 2 in column (a) through column (e) . . . . .					
<b>6</b> Recomputed taxable income. Add line 4 and line 5 . . . . .					
<b>7</b> Tax on amounts on line 6 . . . . .					
<b>8</b> Tax before credits on line 4 income . . . . .					
<b>9</b> Additional tax before credits. Subtract line 8 from line 7 . . . . .					
<b>10</b> Tax credit adjustment. Attach schedule . . . . .					
<b>11</b> Subtract line 10 from line 9. See instructions . . . . .					
<b>12</b> Alternative minimum tax adjustments . . . . .					
<b>13</b> Add line 11 and line 12. . . . .					
<b>14</b> Add line 13, column (a) through column (e) for all years that you entered "Yes" on line 3. Enter here and on Form 540, line 23; Long Form 540NR, line 26; or Form 541, line 21b. See instructions . . . . .					

**Section B — See instructions.**

- 1 Income accumulated less than 5 years . . . . . **1** \_\_\_\_\_
- 2 Averaging factor:
- a** Enter the number of years the trust accumulated the amount on line 1 . . . . . **2a** \_\_\_\_\_
- b** Distribution year . . . . . **2b** **1** \_\_\_\_\_
- 3 Add line 2a and line 2b. . . . . **3** \_\_\_\_\_
- 4 Divide line 1 by line 3. Enter here and on Schedule CA (540 or 540NR), line 21f, column C . . . . . **4** \_\_\_\_\_

	(a) 2005	(b) 2004	(c) 2003	(d) 2002
<b>5</b> Were you a resident or part-year resident? Enter "Yes" or "No" for each year. (Answer "No" for nonresident years.)				
<b>6</b> Enter your taxable income before this distribution for the number of preceding years entered on line 2a. See instructions . . . . .				
<b>7</b> Enter the amount from line 4 in column (a) through column (d) . . . . .				
<b>8</b> Recomputed taxable income. Add line 6 and line 7 . . . . .				
<b>9</b> Tax on amounts on line 8 . . . . .				
<b>10</b> Tax before credits on line 6 income . . . . .				
<b>11</b> Additional tax before credits. Subtract line 10 from line 9 . . . . .				
<b>12</b> Tax credit adjustment. Attach schedule . . . . .				
<b>13</b> Subtract line 12 from line 11. See instructions . . . . .				
<b>14</b> Alternative minimum tax adjustments . . . . .				
<b>15</b> Add line 13 and line 14. . . . .				
<b>16</b> Add line 15, column (a) through column (d) for all years that you entered "Yes" on line 5. Enter here and on Form 540, line 23; Long Form 540NR, line 26; or Form 541, line 21b. See instructions . . . . .				

# Instructions for Form FTB 5870A

## Tax on Accumulation Distribution of Trusts

References in these instructions are to the Internal Revenue Code (IRC) as of **January 1, 2005**, and to the California Revenue & Taxation Code (R&TC).

### General Information

In general, California law conforms to the Internal Revenue Code (IRC) as of January 2005. However, there are continuing differences between California and federal law. When California conforms to federal tax law changes, we do not always adopt all of the changes made at the federal level. For more information regarding California and federal law, visit our Website at [www.ftb.ca.gov](http://www.ftb.ca.gov) and search for **conformity**. Additional information can be found in FTB Pub. 1001, Supplemental Guidelines to California Adjustments, the instructions for California Schedule CA (540 or 540NR), and the Business Entity tax booklets.

Note, the instructions provided with California tax forms are a summary of California tax law and are only intended to aid taxpayers in preparing their state income tax returns. We include information most useful to the greatest number of taxpayers in the limited space available. It is not possible to include all requirements of the California Revenue and Taxation Code (R&TC) in the tax booklets. Taxpayers should not consider the tax booklets as authoritative law.

If you received an accumulation distribution from a foreign trust, use federal Form 4970, Tax on Accumulation Distribution of Trusts, as a worksheet. The partial tax from an accumulation distribution of a foreign trust computed on federal Form 4970 is reported on federal Form 3520, Annual Return to Report Transactions With Foreign Trusts and Receipt of Certain Foreign Gifts. California does not conform to the federal provision relating to information returns required for foreign trusts with United States beneficiaries, IRC Section 6048(c).

Report the accumulation distributions from foreign trusts and from certain domestic trusts on this form, and attach it to your return. See IRC Section 665(c).

California tax law conforms to provisions of the Taxpayer Relief Act of 1997 that repealed the throwback rules for distributions made by certain domestic trusts in tax years beginning on or after January 1, 1998.

**Note:** Although California conforms to the federal provision repealing the throwback rules, California may still apply Revenue & Taxation Code (R&TC) Section 17745(b). This provision states that if the trust did not pay tax on current or accumulated income of the trust because the resident beneficiary's interest in the trust was contingent, this income will be taxable when it is distributed or distributable to the beneficiary. Get the instructions for Form 541, California Fiduciary Income Tax Return, for more information.

### Purpose

Use form FTB 5870A to figure the additional tax under IRC Section 667 or R&TC Sections 17745(b) and (d) on an accumulation distribution made by a foreign trust and certain domestic trusts in the current year.

If IRC Section 667 and R&TC Section 17745(b) both appear to apply to the same distribution, calculate the tax on the distribution using R&TC Section 17745 and Part II only. (See R&TC Section 17779.)

If you were a noncontingent beneficiary and you received Schedule J (541), Trust Allocation of an Accumulation Distribution, and the trust filed Form 541, California Fiduciary Income Tax Return, and paid the tax, compute your additional tax under the provisions of IRC Section 667. Complete Part I of form FTB 5870A to determine the amount of the tax due.

If you were a contingent beneficiary and you did not receive Schedule J (541) because the trust was not required to file Form 541, compute your additional tax under the provisions of R&TC Sections 17745(b) and (d). Complete Part II, Section A or Section B, of form FTB 5870A to determine the amount of additional tax due.

Do not use form FTB 5870A if you were a non-contingent beneficiary and you received an accumulation distribution, but you did not receive Schedule J (541) because the trust did not file Form 541 or pay the required California tax due. The entire trust accumulation income is taxable in the year that you receive the distribution, and should be reported on Schedule CA (540), California Adjustments – Residents, or Schedule CA (540NR), California Adjustments – Nonresidents or Part-Year Residents, line 21f, column C. See R&TC Section 17745(a).

#### California does not follow the federal rules for:

- Generation-skipping transfer tax imposed by IRC Section 2601; and
- The tax relating to estates imposed by IRC Section 2001 or Section 2101.

Except as explained above, use the instructions for federal Form 4970 to compute the partial tax.

**Nonresidents or part-year residents in preceding five years:** For any year you were a nonresident or part-year resident in the accumulation years listed in Part I, Section B, skip line 14 through line 22. Complete Long Form 540NR, California Nonresident or Part-Year Resident Income Tax Return, up to line 42, total tax. Make your adjustments on the accumulation years listed, eliminating the highest and lowest taxable income years. Include in the total adjusted gross income for Long Form 540NR the amount from form FTB 5870A, Part I, line 12, plus all other income of the beneficiary as if the beneficiary was a California resident for the entire year.

**Note:** The law governing California's taxation of nonresidents, former residents, and part-year residents has changed for taxable years beginning in or after 2002. The new law changed the method that such individuals must use to compute and recognize loss carryovers, deferred deductions, and deferred income. Get FTB Pub. 1100, Taxation of Nonresidents and Individuals Who Change Residency, and FTB Pub. 1031, Guidelines for Determining Residency Status, for more information.

If you were a California resident at the trust's year end, include the amount from form FTB 5870A, Part I, line 12, in California adjusted gross income on the Long Form 540, line 17. If you were a nonresident at the trust's year end, include the California source income amount from form FTB 5870A, Part I, line 12 in California adjusted gross income on Long Form 540NR, line 21. You may need to contact the trust for additional information regarding sourced income. In either instance, include all other income of the beneficiary from periods of California residency and all other California source income from periods of nonresidency.

Enter the amount from Long Form 540NR, line 42 on form FTB 5870A, line 23. Follow the instructions for completing the rest of form FTB 5870A.

### Specific Line Instructions

#### Part I

**Line 1** – Enter the amount distributed in the current year that represents the undistributed net income of a trust considered to have been distributed in earlier years.

**Line 2** – Enter any amount on line 1 that represents undistributed net income (UNI) of a trust considered to have been accumulated before you were born or reached age 21. However, if the multiple trust rule applies, see the instructions for line 4.

**Line 4** – Except as noted below under “Special Rule for Multiple Trusts,” enter on line 4 the California taxes (not including any alternative minimum tax) charged for any earlier year on the trust income that are attributable to the net income reported on line 3. See IRC Sections 666(b) and (c).

**Special Rule for Multiple Trusts.** If you received accumulation distributions from two or more other trusts that were considered to have been made in any of the earlier tax years from which the current accumulation distribution is considered to have been made, do not include on line 4 the taxes attributable to the current accumulation distribution considered to have been distributed in the same earlier tax year(s).

This special rule applies only to those trusts with accumulation distributions (including earlier accumulation distributions that are considered under IRC Section 666(a) to have been distributed in the same earlier year) that total \$1,000 or more.

**Line 8** – You can determine the number of years which the UNI is deemed to have been distributed by counting the throwback years for which there are entries on line 26 through line 29 of Part IV of Schedule J (541). These throwback rules apply even if you would not have been entitled to receive a distribution in the earlier tax year if the distribution had actually been made then.

**Note:** There can be more than four throwback years.

**Line 11** – From the number of years entered on line 8, subtract any year in which the distribution from column (a), Part IV of Schedule J (541) is less than the amount on line 10 of form FTB 5870A. If the distribution for each throwback year is more than line 10, then enter the same number on line 11 as you entered on line 8.

**Line 13** – Enter your taxable income for years 2001 through 2005, even if the trust had accumulated income less than five years after the beneficiary became 21 years old. Use the taxable income as originally reported, amended, or as changed by the Franchise Tax Board (FTB). Include in the taxable income, amounts considered distributed as a result of prior accumulation distributions whether from the same or another trust, and whether made in an earlier year or the current year.

For years 2001 through 2005, enter the amount of your taxable income, but not less than zero.

**Line 17** – Compute the tax (not including any alternative minimum tax) on the income on line 16 using the tax rates in effect for the earlier year shown in each of the three columns. Use the California tax tables included in the personal income tax booklets for prior years.

You can download, view, and print California tax forms and publications from our Website at [www.ftb.ca.gov](http://www.ftb.ca.gov).

You can also order California tax booklets, forms, and publications over the telephone. Call FTB's general phone service at (800) 852-5711 (within the United States) or (916) 845-6500, from outside the United States (not toll-free).

**Line 18** – Enter your tax (not including any alternative minimum tax) as originally reported, amended, or as changed by the FTB before reduction for any credits for the particular earlier year shown in each of the three columns.

**Line 20** – Include on line 20 only the net change in nonrefundable credits, such as exemption credit, etc. For example, to the extent the tax on line 18 is less than the allowable exemption credit, only the excess exemption credit is to be included on line 20.

**Line 21** – If the net change results in an increase in allowable credits, subtract line 20 from line 19. If the net change results in a decrease in allowable credits, add line 20 and line 19.

**Line 22** – Complete and attach a separate Schedule P (100, 100W, 540, 540NR, or 541) to recompute the alternative minimum tax for each earlier year and show any change to those taxes in the bottom margin of the form. Enter the adjustment on line 22.

**Line 28 – Individuals** – Enter the amount from line 28 on Form 540, line 23 or Long Form 540NR, line 26. Fill in the circle labeled “FTB 5870A.”

**Estates and trusts** – Include the amount from line 28 on Form 541, line 21b. Write “FTB 5870A” on that line.

**Other filers** – Add the amount on line 28 to the total tax liability before credits on your tax return for the year of the accumulation distribution. Attach form FTB 5870A to the back of your tax return.

## Part II

If you were a contingent beneficiary and the trust was not required to file Form 541 because your interest was contingent, you will not receive a Schedule J (541). Therefore, you must contact the trustee to get information you need to complete form FTB 5870A. The trustee must provide the:

- Total number of years that the trust income was accumulated; and
- Total amount of the accumulation distribution.

If the total number of years that the trust income was accumulated is five or more, complete Section A to determine your tax due.

If the total number of years that the trust income was accumulated is less than 5 years, complete Section B to determine your tax due.

### Section A

Complete this section to compute your additional tax due on a trust distribution accumulated over a period of five years or more. If the accumulation period was less than 5 years, skip this section and complete Section B.

**Line 1** – Enter the amount of your accumulation distribution.

**Line 2** – Enter the amount from line 2 on Schedule CA (540 or 540NR), line 21f, column C. This is the amount to be included in the current year. The balance of this schedule will be used to compute the tax on the portion of the distribution attributable to prior years.

**Line 3** – Enter “Yes” in each column for the years that you were either a California resident or part-year resident. Enter “No” for the years that you were a nonresident. If the taxpayer was a resident during any portion of the time the trust accumulated the income being distributed in the current year, and left the state for any period of time beginning within 12 months of the date of the current distribution and returned to the state within 12 months of the date the current distribution was made, the taxpayer is presumed to have continued to be a resident throughout the time of distribution.

**Line 4** – Enter your taxable income from years 2001 through 2005. Use the taxable income as originally reported, amended, or as changed by the FTB.

**Line 7** – Compute the tax (not including any alternative minimum tax) on the income on line 6 using the tax rates in effect for the earlier year shown

in each of the five columns. Use the California tax tables included in the personal income tax booklets for prior years.

**Line 8** – Enter your tax (not including any alternative minimum tax) as originally reported, amended, or as changed by the FTB before reduction for any credits for the particular earlier year shown in each of the five columns.

**Line 10** – Include on line 10 only the net change in nonrefundable credits, such as exemption credit, etc. For example, to the extent the tax on line 8 is less than the allowable exemption credit, only the excess exemption credit is included on line 10.

**Line 11** – If the net change results in a decrease in allowable credits, add line 9 and line 10.

**Line 12** – Complete and attach a separate Schedule P (100, 100W, 540, 540NR, or 541) to recompute the alternative minimum tax for each earlier year and show any change in those taxes in the bottom margin of the forms. Enter the adjustments on line 12.

**Line 14** – Add line 13, column (a) through column (e) for all years that you entered “Yes” on line 3. Do not include any amounts for any year that you entered “No.”

**Individuals** – Enter the amount from line 14 on Form 540, line 23 or Long Form 540NR, line 26. Fill in the circle labeled “FTB 5870A.”

**Estates and trusts** – Enter the amount from line 14 on Form 541, line 21b. Write “FTB 5870A” on that line.

**Other filers** – Add the amount on line 14 to the total tax liability before credits on your tax return for the year of the accumulation distribution. Attach form FTB 5870A to the back of your tax return.

### Section B

Complete this section to compute your additional tax due on a trust distribution accumulated over a period of less than 5 years. If the accumulation period was five years or more, do not complete this section. Complete Section A.

Complete the entries for all columns corresponding to the number of years entered on line 2a. If the number entered on line 2a is:

- 1 – Complete only column (a).
- 2 – Complete only column (a) and column (b).
- 3 – Complete only column (a) through column (c).
- 4 – Complete all columns.

**Line 1** – Enter the amount of your accumulation distribution.

**Line 2a** – Do not enter a number more than 4. If the total accumulation years is more than 4, do not complete this section. Go to Section A.

**Line 4** – Enter the amount from line 4 on Schedule CA (540 or 540NR), line 21f, column C. This is the amount to be included in the current year. The rest of this section will be used to compute the tax on the portion of the distribution attributable to prior years.

**Line 5** – Enter “Yes” in each column for the years that you were either a California resident or part-year resident. Enter “No” for the years that you were a nonresident. If the taxpayer was a resident during any portion of the time the trust accumulated the income being distributed in the current year, and left the state for any period of time beginning within 12 months of the date of the current distribution and returned to the state within 12 months of the date the current distribution was made, the taxpayer is presumed to have continued to be a resident throughout the time of distribution.

**Line 6** – Enter your taxable income from years 2002 through 2005. Use the taxable income as originally reported, amended, or as changed by the FTB.

**Line 9** – Compute the tax (not including any alternative minimum tax) on the income on line 8 using the tax rates in effect for the earlier year shown in each of the four columns. See Part II, Section A, line 7 instructions.

**Line 10** – Enter your tax (not including any alternative minimum tax) as originally reported, amended, or as changed by the FTB before reduction for any credits for the particular earlier year shown in each of the four columns.

**Line 12** – Include on line 12 only the net change in nonrefundable credits such as exemption credit, etc. For example, to the extent the tax on line 10 is less than the allowable exemption credit, only the excess exemption credit is included on line 12.

**Line 13** – If the net change results in a decrease in allowable credits, add line 11 and line 12.

**Line 14** – Complete and attach a separate Schedule P (100, 100W, 540, 540NR, or 541) to recompute the alternative minimum tax for each earlier year and show any change in those taxes in the bottom margin of the form. Enter the adjustment on line 14.

**Line 16** – Add line 15, column (a) through column (d), for all years that you entered “Yes” on line 5. Do not include any amounts for any year that you entered “No.”

**Individuals** – Enter the amount from line 16 on Form 540, line 23 or Long Form 540NR, line 26. Fill in the circle labeled “FTB 5870A.”

**Estates and trusts** – Enter the amount from line 16 on Form 541, line 21b. Write “FTB 5870A” on that line.

**Other filers** – Add the amount on line 16 to the total tax liability before credits on your tax return for the year of the accumulation distribution. Attach form FTB 5870A to the back of your tax return.

## General Toll-Free Phone Service

Telephone assistance is available year-round from 7 a.m. until 6 p.m. Monday through Friday, except holidays.

From within the United States,  
call ..... (800) 852-5711  
From outside the United States,  
call (not toll-free) ..... (916) 845-6500  
For federal tax questions,  
call the IRS at ..... (800) 829-1040

**Assistance for persons with disabilities:** The Franchise Tax Board complies with the Americans with Disabilities Act. For persons with hearing or speech impairment please call: TTY/TDD (800) 822-6265.

Asistencia telefónica esta disponible todo el año durante las 7 a.m. y las 6 p.m. lunes a viernes, excepto días festivos.

Dentro de los Estados Unidos,  
llame al ..... (800) 852-5711  
Fuera de los Estados Unidos,  
llame al (cargos aplican) ..... (916) 845-6500  
Para preguntas sobre impuestos  
federales, llame al IRS al ..... (800) 829-1040

Página Electrónica:  
[www.ftb.ca.gov](http://www.ftb.ca.gov)

Asistencia para personas discapacitadas: Nosotros estamos en conformidad con el Acta de Americanos Discapacitados. Personas con problemas auditivos o de habla, pueden llamar al (800) 822-6268 con un aparato de telecomunicación TTY/TTD.